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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT SEATTLE**

11 **PATRICE BISHOP-FOSTER AND)** Case No.
12 **ELIJAH WORLEY,**)
13) **COMPLAINT**
14 Plaintiffs,)
15)
16) **JURY TRIAL DEMANDED**
17 **COLUMBIA RECOVERY GROUP,)**
18 **LLC,**)
19)
20 Defendant.

21 **I. NATURE OF ACTION**

22 1. This is an action for damages brought by an individual consumer for
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
24 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
25 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
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1 deceptive, and unfair practices. Plaintiffs further alleges a claim for invasion of
2 privacy by intrusion, ancillary to Defendant's collection efforts.
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4 **II. JURISDICTION**

5 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).
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7 **III. PARTIES**

8 3. Plaintiffs, Patrice Bishop-Foster and Elijah Worley, are natural persons
9 residing in the State of Washington, County of King, and City of Federal Way.
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11 4. Plaintiffs are "consumers" as defined by the FDCPA, 15 U.S.C. §
12 1692a(3), and a "debtor" as defined by RCW § 19.16.100(11).
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14 5. At all relevant times herein, Defendant, Columbia Recovery Group,
15 LLC, ("Defendant") was a limited liability company engaged, by use of the mails
16 and telephone, in the business of attempting to collect a "debt" from Plaintiffs, as
17 defined by 15 U.S.C. §1692a(5).
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19 6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §
20 1692a(6), and a "licensee," as defined by RCW § 19.16.100(9).
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22 **IV. FACTUAL ALLEGATIONS**

23 7. At various and multiple times prior to the filing of the instant complaint,
24 including within the one year preceding the filing of this complaint, Defendant
25 contacted Plaintiff, Patrice Bishop-Foster in an attempt to collect an alleged
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1 outstanding debt. Defendant's conduct violated the FDCPA and RCW § 19.16 in
 2 multiple ways, including but not limited to:

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- 4 a. Overshadowing the disclosures required by 15 USC § 1692g(a) during
- 5 the thirty-day dispute period, including demanding immediate payment
- 6 and threatening to report to Plaintiff's credit in the initial 1692g letter (§
- 7 1692g(b));
- 8 b. After having received a written communication from Plaintiff disputing
- 9 the debt, continuing to take action to collect the debt from Plaintiff,
- 10 without having first having provided validation of the debt (§ 1692g(b));
- 11 c. Using false representations and deceptive practices in connection with
- 12 collection of an alleged debt from Plaintiff, including stating in the
- 13 pleadings for the lawsuit against Plaintiff that she is married to her
- 14 brother (§ 1692e(10)).

15 8. At various and multiple times prior to the filing of the instant complaint,

16 including within the one year preceding the filing of this complaint, Defendant

17 contacted Plaintiff, Elijah Worley in an attempt to collect an alleged outstanding

18 debt. Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple

19 ways, including but not limited to:

- 20 a. Overshadowing the disclosures required by 15 USC § 1692g(a) during
- 21 the thirty-day dispute period. In the initial letter to Plaintiff, dated
- 22 7/22/2009, Defendant demanded immediate payment and threatened to
- 23 report the alleged debt to Plaintiff's credit report, thereby
- 24 overshadowing the required disclosures, which were made later in the
- 25 letter (§ 1692g(b));
- 26 b. Using false representations and deceptive practices in connection with
- 27 collection of an alleged debt from Plaintiff, including stating in the
- 28 Complaint for the lawsuit against Plaintiff that Plaintiff is married to his
- sister (§ 1692e(10)).

9. Defendant's aforementioned activities, set out in paragraphs 7 and 8, also constitute an intentional intrusion into Plaintiffs' private places and into private matters of Plaintiffs' life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiffs had a subjective expectation of privacy that was objectively reasonable under the circumstances.

9. As a result of Defendant's behavior, detailed above, Plaintiffs suffered and continues to suffer injury to Plaintiffs' feelings, personal humiliation, embarrassment, mental anguish and emotional distress.

**COUNT I: VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT—BY PLAINTIFF BISHOP-FOSTER**

10. Plaintiffs reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;

D. Costs and reasonable attorney's fees; and,

E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT-- BY PLAINTIFF BISHOP-FOSTER**

11. Plaintiffs reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully prays that judgment be entered
against the Defendant for the following:

A. Actual damages;

B. Discretionary Treble Damages;

C. Costs and reasonable attorney's fees,

D. For such other and further relief as may be just and proper.

Respectfully submitted this 10th day of November, 2009.

s/Jon N. Robbins

Jon N. Robbins

WEISBERG & MEYERS, LLC

Attorney for Plaintiffs